

1 THE HONORABLE BENJAMIN H. SETTLE  
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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT TACOMA

11 LUMENTUM OPERATIONS LLC,

12 Plaintiff,

13 v.

14 nLIGHT, INC.; DAHV KLINER; and  
15 ROGER L. FARROW,

Defendants.

16 NO. 3:22-CV-05186-BHS

17 **STIPULATED MOTION AND ORDER  
18 TO MODIFY SCHEDULING ORDER**

19 **NOTED ON MOTION CALENDAR:  
20 JULY 11, 2024**

21 **STIPULATED MOTION**

22 Pursuant to LCR 16(b)(6), Plaintiff Lumentum Operations LLC (“Lumentum”) and  
23 Defendants nLIGHT, Inc. (“nLIGHT”), Dahv Kliner (“Kliner”), and Roger L. Farrow  
24 (“Farrow”) (collectively, the “Parties”), by and through the undersigned counsel, hereby  
25 respectfully submit this Stipulated Motion to Modify the Scheduling Order (Dkt. Nos. 47, 89).

26 Since the Court granted the Parties’ prior stipulation to modify the Scheduling Order  
27 (Dkt. 89), the Parties have conducted additional depositions and written discovery, and are  
nearing the completion of discovery. The parties have conferred and have agreed on a schedule  
for remaining fact and expert witness depositions in order to accommodate the availability and  
travel needs for witnesses and counsel. Due to availability of witnesses and counsel, including  
a third-party witness, the Parties are unable to schedule all depositions before the current  
deadline for discovery, July 17, 2024.

STIPULATED MOTION AND ORDER TO MODIFY  
SCHEDULING ORDER - 1

Case No. 3:22-cv-05186-BHS

DMS\_US.364925421.2

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1 So that all depositions may be completed sufficiently in advance of the deadline for  
 2 dispositive motions, the Parties agree that good cause exists to slightly modify the Scheduling  
 3 Order as set forth below. This request only seeks to modify two pre-trial dates while keeping  
 4 the trial date and remaining pre-trial dates the same. Further, the parties agree that the only  
 5 discovery that may occur after the current deadline for discovery (July 17, 2024) is the  
 6 depositions of the specific witnesses agreed upon by the Parties; namely, the deposition of  
 7 Lumentum's damages expert on July 22, 2024, and the deposition of a third-party witness on  
 8 July 23, 2024.

| Event   | Original Date                  | Revised Date per Dkt. 89       | Proposed Fourth Revised Date   |
|---|--------------------------------|--------------------------------|--------------------------------|
| Discovery Deadline  | June 17, 2024                  | July 17, 2024                  | July 23, 2024                  |
| Dispositive Motions Deadline  | July 17, 2024                  | July 24, 2024                  | July 30, 2024                  |
| Motions in Limine Deadline  | September 9, 2024              | September 9, 2024              | September 9, 2024              |
| Pretrial Order Deadline   | September 23, 2024             | September 23, 2024             | September 23, 2024             |
| Voire Dire, Jury Instruction, Trial Brief, and Agreed Neutral Statement of the Case, and Deposition Designations Deadline | September 24, 2024             | September 24, 2024             | September 24, 2024             |
| Pretrial Conference   | September 30, 2024, at 3:00 PM | September 30, 2024, at 3:00 PM | September 30, 2024, at 3:00 PM |
| Seven Day Jury Trial set to commence  | October 15, 2024, at 9:00 AM   | October 15, 2024, at 9:00 AM   | October 15, 2024, at 9:00 AM   |

25 For the foregoing reasons, the Parties respectfully request that the Court modify the  
 26 Scheduling Order as set forth above. A proposed Order is submitted herewith.

27 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

STIPULATED MOTION AND ORDER TO MODIFY  
 SCHEDULING ORDER - 2

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1 DATED this 11 day of July , 2024.

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27 STIPULATED MOTION AND ORDER TO MODIFY  
28 SCHEDULING ORDER - 4

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## ORDER

This matter, having come before the Court on the above stipulation, it is hereby  
ORDERED THAT:

Relief is granted to extend the following deadlines:

| Event                        | Original Date | Revised Date  | Proposed Third Revised Date |
|------------------------------|---------------|---------------|-----------------------------|
| Discovery Deadline           | June 17, 2024 | July 17, 2024 | July 23, 2024               |
| Dispositive Motions Deadline | July 17, 2024 | July 24, 2024 | July 30, 2024               |

Pursuant to the above Stipulation, the trial date and all other pre-trial deadlines shall remain the same.

IT IS SO ORDERED.

Dated this 15th day of July, 2024.

  
BENJAMIN H. SETTLE  
United States District Judge

Presented by:

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28 STIPULATED MOTION AND ORDER TO MODIFY SCHEDULING FAEGRE DRINKER BIDDLE & REATH LLP  
29 ORDER 1144 15<sup>TH</sup> ST. #3400  
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